

Remarks

I. Introduction

Claims 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63, and 100-103 are pending. By this amendment, claims 1, 10, 24, 33, 39, 55, and 100-102 are amended. The amendments find support throughout the original disclosure, drawings, and claims, *e.g.*, Figs. 14-16 and the corresponding portions of the specification. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration of this application is respectfully requested.

II. Claim Rejections – 35 U.S.C. § 101

Claims 33, 35-42, 44, and 46-53 have been rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. This rejection is respectfully traversed. The rejections against the pending claims under consideration should be withdrawn for at least the following reasons.

The Office Action states that the claims consist of modules and a database but do not distinctly describe the structure of the claimed system. However, independent claim 33 has been amended to, *inter alia*, recite a remote data processing computer connected to a computer network that comprises the previously-recited modules. Claims 35-42, 44, and 46-53 each depend from independent claim 33. Accordingly, claims 33, 35-42, 44, and 46-53 recite statutory subject matter, namely, a special purpose computer. Applicants respectfully requests the Examiner to reconsider and withdraw this rejection.

III. Rejections under 35 U.S.C. § 103(a)

The Office Action rejects claims 1, 3 – 10, 12 – 13, 15 – 25, 27 – 33, 35 – 42, 44, 46 – 55, 57- 63, and 100-103 under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent

Publication No. 2004/0122756 (“Creeden”), in view of U.S. Patent Publication No. 2004/0059651 (“MaGuire”), U.S. Patent No. 6,993,717 (“Minninger”), U.S. Patent Publication No. 2002/0184043 (“Lavorgna, Jr.”), and Keating, E., “Reengineering nonprofit financial accountability: Toward a more reliable foundation for regulation,” (“Keating”). In view of the amendments made to the claims and the remarks set forth below, Applicants respectfully traverse these rejections.

Understanding that the Office gives claims their broadest reasonable interpretation in view of the disclosure, Applicants respectfully submit that Creeden cannot fairly be said to teach the claimed method and system where **an agent of a submitting business provides financial statement information about the submitting business taken directly from an accounting system used by a submitting business to maintain its general ledger.** Directed to a system for allowing storage of risk management information, Creeden is unconcerned with a requesting business receiving accounting or financial statement information from an agent of a submitting business where the financial statement information originates from the submitting business’s accounting system.

The disclosure of Creeden relates generally to managing risk management information and, more particularly, to a network for storing risk management information collected by a business about a target business. (*See* Abstract). At a high level, Creeden describes a system for aggregating, storing and distributing data collected by a business about a target business to internal and external deal teams (*See* Para. [0092].) The Creeden system “allows a business engaging in complex deals, such as commercial financing, mergers, acquisitions and real estate transactions, to collect, manage, store and disseminate risk management (RM) information **among internal deal teams and selected outside deal teams** to facilitate a more accurate and

efficient analysis of the risks associated with a deal and to facilitate management of workload and personnel.” (*Id.*, emphasis added.) However, this high level description is insufficient to reject the specific elements recited in the claims of the present application that are directed to sharing, by an agent of a contributing business, financial statement information associated with the contributing business where the financial statement information originates from a financial accounting system used by the contributing business to maintain its general ledger accounting records. Applying a rigorous comparison between these claim elements and what is specifically disclosed in Creeden reveals that the latter simply does not perform the recited steps, nor include the recited structure of the methods and systems claimed in the instant application.

The system described in Creeden is directed to managing financial information related to sophisticated financial transactions collected by one business about a target business. Specifically, the Creeden system “collects, tracks, displays, and disseminates real time Risk Management (RM) information, which is information relating to a business entity being analyzed (“Analyzed Business”) by another business engaging in complex deals... [the] (“Commercial Finance Business” or “CF Business”).” (Para. [0093].) Specifically, the Creeden system **“enables the CF Business to input RM information** on a single occasion and into a single computer workstation ...[and] permits the various internal deal teams **within the CF Business to share RM information** when conducting a due diligence analysis and to continue account management on the Analyzed Business.” (Para. [0094], emphasis added.)

The Creeden disclosure clearly does not teach nor suggest a system where **an agent of a contributing business** has access to a system to upload electronic files containing financial statement information associated with the contributing business that originate from a financial

accounting system used by the contributing business to maintain its general ledger accounting records. Independent claims 24, 33, 55 and 100-102 are amended to recite similar features.

Rather, Creeden provides a system where a “CF Business” itself inputs and stores information collected about an “Analyzed Business” or other target business. Nowhere in Creeden is it suggested that any agent of the “Analyzed Business,” for example, has access to the “CF Business’s” RM system to directly provide financial statement information originating from the “Analyzed Business’s” own accounting systems. Instead, Creeden’s system appears to enable only the CF Business’s own personnel or contractors (e.g., deal teams) to input and manage RM information. (Para. [0094].)

The Office Action points to the Abstract and Paras. [0001], [0005-0006], and [0099] of Creeden as allegedly teaching “receiving financial statement information at a remote data processing system as an electronic data file uploaded by an agent of a submitting business via a graphical user interface (GUI), the financial statement information associated with the submitting business and originating from an accounting system used by the submitting business to maintain its general ledger accounting records, the financial statement information having a first format based on a first set of performance classifications and collectively corresponding to the overall financial state of the submitting business,” (Action at 5). Applicants have examined this portion of Creeden but can find no support for this allegation. These sections state as follows:

[Abstract] A method for managing business information by a first business entity using a server system is provided. The server system is coupled to a centralized database and at least one client system. The method includes receiving at the server system business information relating to at least one second business entity from the client system, storing the business information received at the server system in the centralized database, tracking the business information stored in the centralized database, updating the centralized database periodically with newly received business information to maintain the business information, and providing the business information in response to an inquiry.

[0001] This invention relates generally to managing risk management information and, more particularly, to network based methods and systems for managing risk management information.

[0005] In one aspect, a method for managing business information by a first business entity using a server system is provided. The server system is coupled to a centralized database and at least one client system. The method includes receiving at the server system business information relating to at least one second business entity from the client system, storing the business information received at the server system in the centralized database, tracking the business information stored in the centralized database, updating the centralized database periodically with newly received business information to maintain the business information, and providing the business information in response to an inquiry.

[0006] In another aspect, a method for managing risk management (RM) information for a first business entity using a web-based system is provided. The system employs a server system coupled to a centralized database and at least one client system. The RM information includes at least one of business information, accounts payable, accounts receivable, an availability analysis, a covenant compliance, coverage ratios, financial statements, financial statement and availability projections, a capital structure, income statements, an inventory, a leverage analysis, a loan profile, collateral, guarantors, machinery and equipment, real estate, a liquidation value, amortization information, a capital raising history, an equity valuation, and other documents and information relating to the financial condition of at least one second business entity. The method includes receiving at the server system RM information relating to at least one second business entity from a user through the client system, storing RM information received at the server system in the centralized database, and tracking RM information including compiling data reports, exporting RM information, and linking documents to at least one of the second business entities. The method also includes updating the centralized database with RM information including adding and deleting information to revise existing RM information, and providing RM information in response to an inquiry, including downloading requested information from the server system and displaying requested information on the client system, the inquiry including utilizing at least one pull-down lists, check boxes, radio buttons, and hypertext links. The method also includes notifying a user through an electronic message of the results of a review of RM information, including findings and recommendations relating to the RM information, and providing a report of the review results by transmitting an electronic report to the managerial user system, which includes a summary of the review of RM information, and an internal deal team's findings and recommendations such that managerial oversight of the RM information and electronic data interchange between a user, the first business entity, and the second business entity are facilitated.

[0099] FIG. 1 is a simplified block diagram of a Risk Management Coordination System (RMCS) 10 including a server system 12, and a plurality of client sub-systems, also referred to as client systems 14, connected to server system 12. In one embodiment, client systems 14 are computers including a web browser, such that server system 12 is accessible to client systems 14 via the Internet. Client systems 14 are interconnected to the Internet through many interfaces including a network, such as a local area network (LAN) or a wide area network (WAN), dial-in-connections, cable modems and special high-speed ISDN lines. Client systems 14 could be any device capable of interconnecting to the Internet including a web-based phone, personal digital assistant (PDA), or other web-based connectable equipment. A database server 16 is connected to a database 20 containing information on a variety of matters, as described below in greater detail. In one embodiment, centralized database 20 is stored on server system 12 and can be accessed by potential users at one of client systems 14 by logging onto server system 12 through one of client systems 14. In an alternative embodiment database 20 is stored remotely from server system 12 and may be non-centralized.

(Creeden at Abstract and Para. [0001], [0005]-[0006], and [0099].) Thus, it is obvious that these sections do not stand for the proposition suggested by the Action, i.e., they do not show that an agent of a submitting business has access to a system to upload financial statement information about the submitting business, where the financial statement information: (1) originates from an accounting system used by the submitting business to maintain its general ledger accounting records; and (2) corresponds to the overall financial state of the submitting business.

Creeden's failure to disclose or even suggest this feature highlights a fundamental distinction between the system of Creeden and the present application. This distinction is that the former system is a platform from which the users can compile, upload, store, and view information about a target without the target's knowledge or consent, while the latter permits a submitting business to selectively share financial statement information – derived from its own accounting systems – with one or more authorized requesting businesses. This distinction may appear subtle but it is quite significant because it highlights the fact that Creeden simply does not disclose the claimed method steps or claimed structure of the claims of the instant application.

Thus, the rejection of the claims of the instant application based on Creeden suffers from several shortcomings.

Moreover, it remains unclear how Creeden's system, related to risk management data-aggregating, is to be modified to accept accounting information corresponding to the financial status of an external/submitting business, or how this information would be beneficially aggregated with the other data inputted into Creeden's system.

Creeden also does not teach or suggest receiving from a submitting business financial statement information collectively corresponding to an overall financial state of the submitting business. Instead, Creeden describes data sources relating to disparate financial transactions, instruments, customers, counterparties, employees, organizational units and institutions. (*See, e.g.,* Para. [0093]-[0094].) Creeden's system does not, however, deal with or involve financial statement information as claimed by applicants, where the financial statement information originates from a financial accounting system used by the contributing business to maintain its general ledger accounting records and collectively corresponds to an overall financial state of a submitting business. The data being received and processed in Creeden is used to create a snapshot of the risk-exposure, etc. of the requesting business, and does not collectively correspond to an overall financial state of a submitting business. Rather, Creeden is a transaction aggregating system. The background of Creeden makes it clear that this system is intended to support sophisticated transactions and associated record keeping. (*See* Para. [0006].)

MaGuire does not remedy the noted deficiency with respect to Creeden. In MaGuire, a conversion engine is supplied with data records of various types. MaGuire at Para. [0021]. MaGuire describes discrete data records (such as journal entries based on transactions) and selectively applying rules to the record if an applicable rule exists in a rules database. Thus, it is

respectfully submitted that MaGuire's selective conversion of records does not teach or suggest a system where an agent of a submitter business uploads financial statement information about the submitter business, where the financial statement information: (1) originates from an accounting system used by the submitter business to maintain its general ledger accounting records; and (2) corresponds to the overall financial state of the submitting business.

Likewise, none of Minninger (related to a system and a method for software conversions which maps and translates data from model reports to files formatted as either Comma Separated Value (CSV) files or Flat Fixed Position files), Lavorgna, Jr. (a method for management of business metrics), or Keating (related to the effectiveness of Internal Revenue Form 990 and the structure of nonprofit financial reporting), remedy the noted deficiency with respect to Creeden. In particular, none of Minninger, Lavorgna, Jr., or Keating teach or suggest a system where an agent of a submitter business uploads financial statement information about the submitter business, where the financial statement information: (1) originates from an accounting system used by the submitter business to maintain its general ledger accounting records; and (2) corresponds to the overall financial state of the submitting business, it is respectfully requested that the obviousness rejections of the independent claims be withdrawn.

Accordingly, based on the numerous deficiencies of the rejection based on Creeden, MaGuire, Minninger, Lavorgna, Jr., and Keating, applicants submit that the independent claims are patentable over Creeden. The remaining dependent claims are likewise patentable for at least the reasons discussed in the context of the traversal of the rejections of the independent claims. Therefore, Applicants respectfully request that the rejections of the claims under § 103 be reconsidered and withdrawn.

IV. Conclusion

Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are respectfully requested. Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited contact the Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

/eleanor m. hynes/
Eleanor M. Hynes
Registration No. 58,013

Goodwin|Procter LLP
901 New York Ave., N.W.
Washington, D.C. 20001
(202) 346-4000 (tel)
(202) 346-4444 (fax)
ehynes@goodwinprocter.com

Dated: June 23, 2009